

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NANDI, et al.
Application No: 10/575,691
Filing Date: February 6, 2007
Title: Antibiotic Compositions
Examiner: Azpuru, Carlos A.
Group Art Unit: 1617

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE
A DOUBLE PATENTING REJECTION**

In response to the Office Action dated August 17, 2011, the owner, Sandoz AG, a Company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, 4056 Basel, Switzerland, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted from prior Application Serial No. 10/768,562. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) of \$160.00 is to be charged to Deposit Account No. 12-2355.

The undersigned is an attorney of record.

Application No. 10/575,691

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Date: December 16, 2011
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